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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,666	01/14/2000	Robert D. Wilson	BL01134-013	8672
8698	7590	05/19/2004	EXAMINER	
STANLEY LAW GROUP LLP 495 METRO PLACE SOUTH SUITE 210 DUBLIN, OH 43017			COLBERT, ELLA	
		ART UNIT	PAPER NUMBER	
			3624	

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)
09/483,666	WILSON, ROBERT D.
Examiner	Art Unit
Ella Colbert	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 15 March 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

### **DETAILED ACTION**

1. Claims 1-20 are pending. Claims 1-5 have been amended in this communication filed 03/15/04 as RCE, entered as paper no. 12 and Amendment D entered as paper no. 13.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/15/04 has been entered.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-20 are rejected under 35 U.S.C. 101 because the system claims as presented do not claim a technological basis in the body of the claim. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method claim that includes in the body of the claim at least one structural/functional interrelationship which can only be computer implemented is considered to have a technological bases [See *Ex parte Bowman*, 61 USPQ2d 1669,

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1671 (Bd. Pat. App. & Inter. 2001) –used only for content and reasoning since not precedential].

It is suggested Applicant's claim limitations have a computer in the body of the claim to perform the historical tax refund. For example: a computer system having historical tax refund data for the said taxpayer ...".

Claim 5 doe not have a computer in the preamble or body of the claim.

Suggestion: "A computer-implemented method ..., said method comprising:

...; estimating at the computer said taxpayer's income tax refund ...;".

### ***Specification***

5. The Specification is objected to because the Specification does not provide a brief description of the drawings (Figures 1 & 2). Applicant is reminded of the content of the Specification here below.

#### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer

program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are

conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (k) Sequence Listing, See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

6. Claims 1 and 6-8 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 2 and 9-11. When two claims in an application are duplicates or else so close in content that they both cover the same thing, despite a slight difference in

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wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP 706.03(k).

***Title Objection***

7. The title of Applicant's invention is objected to for the following: The title of the invention is not descriptive enough. Applicant's invention includes method claims as well as system claims, therefore it is suggested for the title of the invention: "SYSTEM AND METHOD FOR PROVIDING A LOAN TO A TAXPAYER PRIOR TO A TAX YEAR".

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1, 2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,193,057) Longfield in view of (US 5,138,549) Bern.

With respect to claim 1, Longfield teaches, A system for providing a loan to a taxpayer prior to the end of the current tax year, comprising: historical tax refund data for said taxpayer, said historical tax refund data comprising tax refund amount data for at least one year prior to the current year; year-to-date income data for the current year, for said taxpayer, wherein said date is prior to the end of the current tax year (col. 1, lines 44-51 and col. 2, lines 24-39 and lines 59-65); a loan provided to said taxpayer prior to the end of said current tax year in an amount based on said estimated tax

refund amount for said current tax year for said taxpayer; year-to-date expense data for the current year, for said taxpayer, wherein said date is prior to the end of the tax current year (col. 2, lines 49-68, col. 3, lines 1-11 and lines 40-67, and col. 4, lines 1-25); and a tax refund for said current tax year, wherein said tax refund is based on a tax return prepared and filed after said current tax year for said taxpayer and is applied to the balance of said loan based on said estimated income tax refund (col. 4, lines 31-53).

Longfield failed to teach, a processor adapted to process said historical tax refund data, said year-to-date income data, and said year-to-date expense data to determine an estimated tax refund amount for said taxpayer for said current tax year. Bern teaches, a processor adapted to process said historical tax refund data, said year-to-date income data, and said year-to-date expense data to determine an estimated tax refund amount for said taxpayer for said current tax year (col. 3, lines 1-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a processor adapted to process said historical tax refund data, said year-to-date income data, and said year-to-date expense data to determine an estimated tax refund amount for said taxpayer for said current tax year and to modify in Longfield because such a modification would allow Longfield to have a processing system for tax deposits and accounts of a taxpayer that uses historical data.

With respect to claim 2, Longfield teaches, A system for providing a loan to a taxpayer, comprising: historical tax refund data for said taxpayer, said historical tax refund data comprising tax refund amount data for at least one year prior to the current year (col. 1, lines 44-51 and col. 2, lines 24-39 and lines 59-65); year-to-date income

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data for the current year, for said taxpayer, wherein said date is prior to the end of the current tax year (col. 3, lines 40-67 and col. 4, lines 1-25); a loan provided to said tax payer prior to the end of said current tax year in an amount based on said estimated tax refund amount for said current tax year for said taxpayer (col. 2, lines 49-68 and col. 3, lines 1-11); and a tax refund for said current tax year, wherein said tax refund is based on a tax return prepared and filed after said current tax year for said taxpayer and is applied to the balance of said loan based on said estimated income tax refund (col. 4, lines 31-53).

Longfield failed to teach, a processor adapted to process said historical tax refund data and said year to date income data to determine an estimated tax refund amount for said taxpayer for said current tax year. Bern teaches, a processor adapted to process said historical tax refund data and said year to date income data to determine an estimated tax refund amount for said taxpayer for said current tax year (col. 1, lines 32-42 and col. 3, lines 38-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a processor adapted to process said historical tax refund data and said year-to-date income data to determine an estimated tax refund amount for said taxpayer for said current tax year and to modify in Longfield because such a modification would allow Longfield to have a processing system for tax deposits and accounts of a taxpayer that uses historical data.

With respect to claim 4, Longfield teaches, A system for providing a loan to a taxpayer prior to the end of the current tax year, comprising: income information up to a date prior to the end of the current tax year, for said taxpayer; expense information up to

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a date prior to the end of the current tax year, for said taxpayer (col. 3, lines 28-59); a tax refund amount for at least one tax year prior to the current tax year (col. 4, lines 1-29 and col. 2, lines 59-65); a loan provided to said taxpayer prior to the end of said current tax year in an amount based on said estimated income tax refund amount for said current tax year for said taxpayer (col. 2, lines 49-68 and col. 3, lines 1-11); and a tax refund for said current tax year, wherein said tax refund is based on a tax return prepared and filed after said current tax year for said taxpayer and is applied to the balance of said loan based on said estimated income tax refund (col. 4, lines 31-53).

Longfield failed to teach, a processor adapted to process said income information, and said expense information, and said tax refund amount to determine an estimated income tax refund amount for said taxpayer for said current tax year.

Bern teaches, a processor adapted to process said income information, and said expense information, and said tax refund amount to determine an estimated income tax refund amount for said taxpayer for said current tax year (col. 14, lines 19-36 and fig. 5A (122, 128, and 130). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a processor adapted to process said income information, and said expense information, and said tax refund amount to determine an estimated income tax refund amount for said taxpayer for said current tax year and to modify in Longfield because such a modification would allow Longfield to have a processing system for tax deposits and accounts of a taxpayer that uses historical data.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 3, 4, 14, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,193,057) Longfield in view of (US 6,202,052) Miller and further in view of (US 5,138,549) Bern.

With respect to claim 3, Longfield teaches, A system for providing a loan to a taxpayer, comprising: historical tax refund data for said taxpayer, said historical tax refund data comprising tax refund amount data for at least one year prior to the current year (col. 1, lines 44-51 and col. 2, lines 24-39 and lines 59-65); present job verification data for said taxpayer (col. 3, line 40-67 and col. 4, lines 1-25); a loan provided to said taxpayer prior to the end of said current tax year in an amount based on said estimated tax refund amount for said current tax year for said taxpayer (col. 2, lines 49-68 and col. 3, lines 1-11); and a tax refund for said current tax year, wherein said tax refund is based on a tax return prepared and filed after said current tax year for said taxpayer and is applied to the balance of said loan based on said estimated income tax refund (col. 4, lines 31-53). Longfield failed to teach, present job verification data for said taxpayer.

Longfield failed to teach, a processor adapted to process said historical tax refund data and said present job verification data to determine an estimated tax refund amount for said taxpayer for said current tax year.

Bern teaches, a processor adapted to process said historical tax refund data and said present job verification data to determine an estimated tax refund amount for said taxpayer for said current tax year (col. 7, lines 61-67 and col. 8, lines 1-13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a processor adapted to process said historical tax refund data and said present job verification data to determine an estimated tax refund amount for said taxpayer for said current tax year and to modify in Longfield because such a modification would allow Longfield to have a processing system for tax deposits and accounts of a taxpayer that uses historical data.

Miller teaches, present job verification data for said taxpayer (col. 4, lines 44-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the present job verification data for the taxpayer and to modify in Longfield because such a modification would allow Longfield to have the electronic tax return information verified by the tax preparer prior to submitting the tax papers electronically to the IRS.

With respect to claim 14, Longfield and Bern failed to teach, The system of claim 3 wherein said present job verification data comprises data for estimating said taxpayer's income for the current year. Miller teaches, The system of claim 3 wherein said present job verification data comprises data for estimating said taxpayer's income

for the current year (col. 4, lines 44-50). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the present job verification data comprises data for estimating said taxpayer's income for the current year and to modify in Longfield because such a modification would allow Longfield to have the electronic tax return information verified by the tax preparer prior to submitting the tax papers electronically to the IRS.

With respect to claims 16 and 20, Longfield failed to teach, The system of claim 4 wherein said income information for the current year is extrapolated based on said taxpayer's income from prior years. Bern teaches, wherein said income information for the current year is extrapolated based on said taxpayer's income from prior years (col. 3, lines 38-51). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the income information for the current year is extrapolated based on said taxpayer's income from prior years and to modify in Longfield because such a modification would allow Longfield to have a trend analysis for establishing tax vouchers and the tracking of a depositor's patterns.

With respect to claim 17, Longfield failed to teach, The system of claim 4 wherein said estimated tax refund amount for said taxpayer is determined in accordance with said taxpayer's withholding rate and taxing authority rates.

Bern teaches, The system of claim 4 wherein said estimated tax refund amount for said taxpayer is determined in accordance with said taxpayer's withholding rate and taxing authority rates (col. 4, lines 1-15). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have an estimated tax

refund amount for said taxpayer determined in accordance with said taxpayer's withholding rate and taxing authority rates and to modify in Longfield because such a modification would allow Longfield to have a general estimate of the amount of taxes owed according to a tax chart for withholding tax rates and the tax rate of the state where he lives.

With respect to claim 18, Longfield failed to teach, The method of claim 5 wherein estimating said taxpayer's refund amount comprises completing a trend analysis on said taxpayer's refunds from a plurality of years prior to the current year. Bern teaches, estimating said taxpayer's refund amount comprises completing a trend analysis on said taxpayer's refunds from a plurality of years prior to the current year (col. 2, lines 16-34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to estimate said taxpayer's refund amount comprises completing a trend analysis on said taxpayer's refunds from a plurality of years prior to the current year and to modify in Longfield because such a modification would allow Longfield to establish a tax and to track the depositor's deposit patterns with the historical data on tax liabilities being accessed by the tax preparer or the IRS.

With respect to claim 19, Longfield failed to teach, The method of claim 5 wherein estimating said taxpayer's refund amount comprises estimating said taxpayer's income for the current year. Bern teaches, wherein estimating said taxpayer's refund amount comprises estimating said taxpayer's income for the current year (col. 1, lines 32-42). It would have been obvious to one having ordinary skill in the art at the time the invention was made to estimate said taxpayer's refund amount comprises estimating

said taxpayer's income for the current year and to modify in Longfield because such a modification would allow Longfield to have a period of time from filing of an individual's tax return to the time of receipt of the refund check. An individual's tax refund is always estimated for the current year because the IRS can come back and dispute the amount of tax refund not only in the current year but for at least three to five prior years of refunds.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 5-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,138,549) Bern in view of (US 5,193,057) Longfield.

With respect to claim 5, Bern teaches, A method for providing a loan to a taxpayer prior to the end of the current tax year, said method comprising: a tax refund amount for at least one tax near prior to the current tax year (col. 14, lines 19-36 and fig. 5A (122, 128, and 130).

Bern failed to teach, estimating said taxpayer's income tax refund amount due for said current year prior to the end of said current tax year based on said tax refund amount; providing a loan to said taxpayer based on said estimated income tax refund amount due for said current tax year, said loan provided before the end of said current tax year by a lender; assigning said taxpayer's tax refund to said lender; preparing a tax

return for said taxpayer after the end of the current tax year; filing said tax return with a taxing authority; receiving said taxpayer's tax refund from said taxing authority; and applying said taxpayer's tax refund to said loan based on said estimated income tax refund. Longfield teaches, estimating said taxpayer's income tax refund amount due for said current year prior to the end of said current tax year based on said tax refund amount (col. 2, lines 49-68 and col. 3, lines 1-11); providing a loan to said taxpayer based on said estimated income tax refund amount due for said current tax year, said loan provided before the end of said current tax year by a lender (col. 3, lines 40-62); assigning said taxpayer's tax refund to said lender (col. 4, lines 19-25); preparing a tax return for said taxpayer after the end of the current tax year (col. 4, lines 31-46); filing said tax return with a taxing authority; receiving said taxpayer's tax refund from said taxing authority; and applying said taxpayer's tax refund to said loan based on said estimated income tax refund (col. 4, lines 46-61). It would have been obvious to one having ordinary skill in the art at the time the invention was made to estimate said taxpayer's income tax refund amount due for said current year prior to the end of said current tax year based on said tax refund amount; providing a loan to said taxpayer based on said estimated income tax refund amount due for said current tax year, said loan provided before the end of said current tax year by a lender; assigning said taxpayer's tax refund to said lender; preparing a tax return for said taxpayer after the end of the current tax year; filing said tax return with a taxing authority; receiving said taxpayer's tax refund from said taxing authority; and applying said taxpayer's tax refund to said loan based on said estimated income tax refund and to modify in Bern because

such a modification would allow Bern to have the ability to produce a paper trail of all tax deposits performed historically.

With respect to claims 6, 9, and 12, Bern teaches, The system of claim 1 wherein said historical tax refund data is determined in accordance with a trend analysis (col. 2, lines 16-34).

With respect to claims 7, 10, and 13, Bern teaches, The system of claim 6 wherein said historical tax refund data comprises the amount of said taxpayer's refund for the previous three years (col. 5, lines 20-34 and figs. 1-7).

With respect to claims 8, 11, and 15) Bern teaches, The system of claim 1 wherein said year to date income information for the current year comprises income data for the first three quarters of the year (See abstract, col. 1, lines 6-15, and col. 5, lines 3-33).

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Koehler (US 6,064,983) disclosed performing tax computations.

Burger et al (US 5,394,487) disclosed forms processing including income tax forms.

Brown et al (US 6,532,450) disclosed a financial management system.

### Inquiries

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



E. Colbert  
May 17, 2004